IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3262 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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Appearance:

1. Special Civil Application No. 3262 of 2002
MR TS NANAVATI for Petitioner No. 1
MR KIRAN C MEHTA for Respondent No. 1-2
MR PR JOSHI for Respondent No. 3
MR CG MEHTA for Respondent No. 3
DS AFF.NOT FILED (R) for Respondent No. 4-5

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 23/07/2002

ORAL JUDGEMENT

With the consent of the parties, the matter is taken up for final hearing today.

2. The present petition is preferred by the petitioner against the order dated 5-2-2002 passed below the stay application by Gujarat State Cooperative Tribunal in appeals No.866/2001, 901/2001 and 912/2001.

3. Heard Mr.T.S.Nanavati, learned Counsel for the petitioner and Mr.K.C.Mehta, learned Counsel for respondent No.1.

4. Mr.Nanavati as well as Mr.Mehta, who is appearing for the principle debtor, respondent No.1 herein state that the appeal may be directed to be disposed of at an early date. Keeping in view the aforesaid agreement between the petitioner and respondent No.1 and even otherwise also considering the facts and circumstances of the case, if the order for directing to decide the appeal at an early date is passed, the same is not likely to prejudice the case of the either side.

5. Therefore, considering the above facts and circumstances of the case, the learned Tribunal is directed to decide appeal No.866 of 2001, 905 of 2001 and 912 of 2001 as early as possible, preferably within a period of three months from the date of receipt of order of this Court. Until the Tribunal decides the appeal, the interim order passed by this Court on 10-5-2002 in this petition shall remain in operation.

6. In view of the above, Mr.Nanavati for the petitioner does not press this petition for the other reliefs and the petition is, therefore, disposed of as not pressed as far as the other reliefs are concerned. Rule is made absolute to the aforesaid extent. There shall be no order as to costs. Direct service is permitted.

23-7-2002 (Jayant Patel, J.)

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